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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LANCE REBERGER,

Petitioner,

v.

STATE OF NEVADA, et al.,

Respondents.

Case No. 3:13-cv-00071-MMD-VPC

ORDER

This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On June 3, 2014, this Court granted a stay and administratively closed petitioner Lance Reberger's federal habeas corpus action while he litigated his state petition (ECF No. 48).

Reberger's further state-court proceedings have concluded, and he has now returned to this Court, through counsel, seeking to reopen this case (ECF No. 51). Petitioner has also filed a motion for leave to file a second-amended petition, a proposed second-amended petition, and supplemental exhibits in support of the motion to reopen the case and in support of the petition (ECF Nos. 52, 52-1, 53-57). Respondents filed their non-opposition (ECF No. 63). Good cause appearing, this action is reopened, petitioner's motion for leave to file a second-amended petition will be granted, and the Court sets a further briefing schedule below.

Reberger also filed a motion to partially waive Local Rule IA 10-3(e) (ECF No. 58). Reberger asks the Court to waive, for purposes of this action, the provision in Local Rule IA 10-3(e) that requires the cover page of each filed exhibit to include a description of the

1 exhibit. See LR IA 10-3(e); see *also* LR IA 10-3(i). Petitioner points out that Local Rule IA
2 1-4 provides that the Court may waive any provision of the local rules, *sua sponte* or on
3 a motion, if the interests of justice so require. See LR IA 1-4. Petitioner explains that
4 adding descriptors to the cover pages of exhibits is unduly burdensome on the Federal
5 Public Defender's limited resources and staff (ECF No. 58). Petitioner states that he will
6 still provide indexes of exhibits and exhibit cover sheets referencing each exhibit by
7 number. *Id.*

8 In light of the number of exhibits in this habeas corpus action, the Court finds that
9 there is good cause for the requested waiver, and will grant the waiver for all parties.

10 It is therefore ordered that petitioner's motion to reopen this action (ECF No. 51)
11 is granted.

12 It is further ordered that, as the stay is lifted by this order, the Clerk will reopen the
13 file in this action.

14 It is further ordered that petitioner's motion for leave to file a second-amended
15 petition (ECF No. 52) is granted. The Clerk will detach and file the proposed second-
16 amended petition (ECF No. 52-1).

17 It is further ordered that the supplemental exhibits filed at ECF Nos. 53-57 are
18 accepted as supplemental exhibits to the first-amended petition (ECF No. 16). The Clerk
19 of Court will link the supplemental exhibits (ECF Nos. 53-57) to the first-amended petition
20 (ECF No. 16) on the CM/ECF docket in this action.

21 It is further ordered that respondents will have ninety (90) days following the date
22 of entry of this order within which to answer, or otherwise respond to, the second-
23 amended petition.


24 It is further ordered that petitioner will have forty-five (45) days following service of
25 the response to file and serve petitioner's response.

26 It is further ordered that the parties send courtesy copies of all exhibits to the Reno
27 Division of this court. Courtesy copies must be delivered to the Clerk of Court, 400 S.
28 Virginia St., Reno, NV, 89501, and directed to the attention of "Staff Attorney" on the

1 outside of the address label. Additionally, in the future, all parties must provide courtesy
2 copies of any additional exhibits submitted to the Court in this case, in the manner
3 described above.

4 It is therefore ordered that petitioner's motion to partially waive Local Rule IA 10-
5 3(e) (ECF No. 58) is granted.

6 DATED THIS 19th day of April 2017.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE